

FEB 07 2018

Mark of Clerk

UNITED STATES DISTRICT COURT
 for the
 Southern District of Texas

United States of America)
 v.)
 Arnoldo MARTINEZ Guerra, COB: Mexico, YOB:) Case No. M - 18-0272-M
 1991)
 _____)
Defendant

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of 01/17/2017 in the county of Hidalgo in the Southern District of Texas, the defendant violated Title 18 U. S. C. § Section 922 (g)(5)(A), an offense described as follows:

Any person to illegally possess a firearm and ammunition that had previously traveled in and affected interstate commerce, while being an alien illegally or unlawfully in the United States.

This criminal complaint is based on these facts:

SEE ATTACHMENT A

Continued on the attached sheet.

*Approved by
ATF King*

Complainant's signature

Alexander Estrada, ATF Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date:

2/7/18

City and state:

McAllen, Texas

Judge's signature

J. Scott Hacker U.S. Magistrate Judge

Printed name and title

ATTACHMENT A

On February 6, 2018, your Affiant was notified by agents of the United States Border Patrol that in their custody was Arnoldo MARTINEZ Guerra, an undocumented alien, who attempted to enter the United States illegally in the early morning hours of February 6, 2018. Your Affiant was notified due to that fact that MARTINEZ Guerra is a suspect in an on-going ATF firearms trafficking investigation.

Your affiant along with another ATF Special Agent made contact with and interviewed MARTINEZ Guerra in regards to his involvement in firearms trafficking. Prior to any questioning, MARTINEZ Guerra was advised of his Miranda Rights in the Spanish language. MARTINEZ Guerra voluntarily waived his Miranda Rights and agreed to speak to Agents without the presence of an attorney. In addition, MARTINEZ Guerra explained to Agents that he was a citizen of Mexico and was illegally present in the U.S. Furthermore, U.S. Border Patrol Agents determined that MARTINEZ Guerra was present in the United States without proper immigration documents.

During the interview, MARTINEZ Guerra admitted that in the month of January 2017, MARTINEZ Guerra recruited an individual to "Straw Purchase" approximately 6 firearms from local federal firearms licensed dealers in the Rio Grande Valley. MARTINEZ Guerra further described his firearms trafficking activities by stating that on or about the same day the firearms were straw purchased, he would receive, handle and subsequently conceal the firearms in a compartment inside the back bumper of his Ford Focus sedan prior to having someone smuggle the firearms into Mexico. Through the course of the investigation, your affiant determined that among the firearms straw purchased for MARTINEZ Guerra was a Century Arms, model C308 Sporter, .308 caliber rifle purchased on January 17, 2017.

Your affiant spoke with ATF SA Carlos Delgado, who is a recognized expert in the interstate and foreign commerce travel of firearms and ammunition. ATF SA Delgado advised your affiant that the Century Arms, model C308 Sporter, .308 caliber rifle previously traveled in interstate commerce.

Based on the above information, on or about January 17, 2017, Arnoldo MARTINEZ Guerra, an illegal alien, was in possession of the Century Arms, model C308 Sporter, .308 caliber rifle in violation of Title 18, United States Code, Section 922(g)(5)(A).